

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JAMES ESTEP,

Petitioner,

No C-02-0348 VRW

v

ORDER

STEVEN CAMBRA, Warden,

Respondent.

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The court of appeals has remanded this case for the limited purpose of granting or denying a certificate of appealability pursuant to 28 USC § 2253(c) and Federal Rule of Appellate Procedure 22(b). Doc # 24.

A certificate of appealability is GRANTED because petitioner has made "a substantial showing of the denial of a constitutional right." 28 USC § 2253(c)(2). Petitioner has demonstrated that "jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it

1 debatable whether the district court was correct in its procedural  
2 ruling." Slack v McDaniel, 529 US 473, 484 (2000).

3 The clerk shall return to the court of appeals the case  
4 file with this order. See United States v Asrar, 116 F3d 1268,  
5 1270 (9th Cir 1997).

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7 IT IS SO ORDERED.

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10 VAUGHN R WALKER  
11 United States District Chief Judge  
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